

Message

From: Steinbauer, Gary [steinbauer.gary@epa.gov]
Sent: 1/9/2015 5:54:25 PM
To: Pierard, Kevin [pierard.kevin@epa.gov]
CC: McKim, Krista [mckim.krista@epa.gov]; Kuefler, Patrick [kuefler.patrick@epa.gov]; Hyde, Tinka [hyde.tinka@epa.gov]; Lupton, Jane [lupton.jane@epa.gov]; Bishlawi, Randa [bishlawi.randa@epa.gov]
Subject: Re: urgent - minntac tailings basin permit

Ex. 5 Deliberative Process (DP), AC

From: Pierard, Kevin
Sent: Friday, January 9, 2015 11:34 AM
To: Steinbauer, Gary
Cc: McKim, Krista; Kuefler, Patrick; Hyde, Tinka; Lupton, Jane; Bishlawi, Randa
Subject: Re: urgent - minntac tailings basin permit

Ex. 5 Deliberative Process (DP), AC

Sent from my iPhone

On Jan 9, 2015, at 7:16 AM, Steinbauer, Gary <steinbauer.gary@epa.gov> wrote:

Privileged and Confidential - Do Not Release

Here's the attachment.

From: Steinbauer, Gary
Sent: Friday, January 9, 2015 11:12 AM
To: Pierard, Kevin; McKim, Krista
Cc: Kuefler, Patrick; Hyde, Tinka; Lupton, Jane; Bishlawi, Randa
Subject: Re: urgent - minntac tailings basin permit

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Hi all,

Ex. 5 Deliberative Process (DP), AC

Please let me know if you have any questions.

Thanks,
Gary

From: Pierard, Kevin
Sent: Friday, January 9, 2015 10:48 AM
To: McKim, Krista
Cc: Kuefler, Patrick; Steinbauer, Gary; Hyde, Tinka
Subject: Re: urgent - minntac tailings basin permit

Ex. 5 Deliberative Process (DP), AC

Sent from my iPhone

On Jan 9, 2015, at 6:21 AM, McKim, Krista <mckim.krista@epa.gov> wrote:

I agree with most of pat's suggestions and made a few edits.

From: Kuefler, Patrick
Sent: Friday, January 09, 2015 10:04 AM
To: McKim, Krista; Pierard, Kevin
Cc: Steinbauer, Gary; Pierard, Kevin; Hyde, Tinka
Subject: RE: urgent - minntac tailings basin permit
My thoughts, if we decide to provide something

From: McKim, Krista
Sent: Friday, January 09, 2015 8:24 AM
To: Pierard, Kevin
Cc: Kuefler, Patrick; Steinbauer, Gary
Subject: RE: urgent - minntac tailings basin permit
I pasted the questions and draft responses into the attached. Kevin's direction is in purple and my draft responses are in blue

From: Pierard, Kevin
Sent: Thursday, January 08, 2015 5:05 PM
To: McKim, Krista
Cc: Kuefler, Patrick; Steinbauer, Gary
Subject: Re: urgent - minntac tailings basin permit

Ex. 5 Deliberative Process (DP), AC

Sent from my iPhone

On Jan 8, 2015, at 11:43 AM, McKim, Krista <mckim.krista@epa.gov> wrote:

I didn't. I am in tomorrow and can work on whatever we decide to do though

From: Kuefler, Patrick
Sent: Thursday, January 08, 2015 2:17 PM
To: Pierard, Kevin; Steinbauer, Gary; McKim, Krista
Subject: FW: urgent - minntac tailings basin permit
Did anyone get these questions yesterday from Peter? I just saw them now from Tinka. Do we want to try and answer them?

From: Hyde, Tinka
Sent: Thursday, January 08, 2015 1:13 PM

To: Kuefler, Patrick

Subject: Fwd: minntac tailings basin permit

Not sure if you got this. I Need to check in with RA & OPA on this. Will be boarding my flight in about a half hour.

Sent from my iPhone

Begin forwarded message:

From: "Cassell, Peter" <cassell.peter@epa.gov>

Date: January 8, 2015 at 10:19:23 AM EST

To: "Marcotty, Josephine"

<Josephine.Marcotty@startribune.com>

Cc: "Rowan, Anne" <rowan.anne@epa.gov>

Subject: RE: minntac tailings basin permit

Thanks Josephine,
I attached the letter, which it seems you have since you reference it here. Those were our "comments." I can follow up with my management and find out if we can provide further information. Thanks!

Pete Cassell
Press Officer
Office of External Communications
Office of the Regional Administrator
U.S. Environmental Protection Agency

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Chicago, IL 60604-3590
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Blackberry (312) 859-9614

From: Marcotty, Josephine
[<mailto:Josephine.Marcotty@startribune.com>]

Sent: Wednesday, January 07, 2015 2:46 PM

To: Cassell, Peter

Subject: minntac tailings basin permit

Hello Peter, sorry to rush you earlier today, and thanks for getting back to me so quickly. Also, let me say first of all that I would like to talk to Mr. Pierard. This is a complicated story, and relying on written questions is quite constraining. I'm happy to give you an idea of what I would like to discuss, but a phone interview is the best way to get the most accurate and in depth information. Let me know if he would like to speak on background, and we may be able to do that for some of the questions. My deadline is Friday.

I would like a copy of the EPA comments on the Minntac Tailings Basin Permit. I'm pretty sure that Kevin

Pierard's office will have them. It's permit MN 0057207, from the Minnesota Pollution Control Agency.

In addition to that, here are some of my questions:

--The permit proposes to divide the discharged water into two categories: seepage from the top and sides of the dam would be regulated under federal law, and pumped back into the pit. Seepage underneath the dam and through the bottom would be regulated under state law. Is this an unusual approach? Is this acceptable to the EPA?

--Mr. Pierard said in his letter to PCA that "there is a need for an NPDES permit that includes extensive and specific actions, and a timeframe for these actions." I'd like to know why he said that. Re-issuing this and other mining permits was one of the agreed upon priorities cited in the most recent Memorandum of Agreement between the EPA and MPCA. Would all those permits require similar specific actions and timeframes?

--And how is the state doing in making progress on those permits? Is it abiding by the terms of the agreement?

--He also said in the letter that some of MPCA's statements in the fact sheet regarding EPA's interpretation of the scope of the NPDES program are incorrect. Which statements is he referring to?

Thanks. JM

Josephine Marcotty

Environmental Reporter

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